IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 23673 of 2004

Between:

Ganji Abbaiaha, s/o Peddi Subbarayudu, Sarpanch
r/o Kotta Madhavavaram, Vontimitta Mandal,
Cuddapah.

..... PETITIONER

AND

1.. The State of Andhra Pradesh, rep., by Principal Secretary, Revenue,

Secretariat Building, Hyderabad.
2.. The District Collector, Cuddapah District.
3.. The Mandal Revenue Officer, Kotta Madhavavaram,
Vonti Mitta Mandal, Cuddapah.
4.. The Revenue Divisional Officer, Rajampet, Cuddapah.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate writ, order or direction, preferably WRIT in the nature of mandamus, declaring the action of the respondents declaring the inaction of the respondents by not passing the orders in the denovo proceedings pending on his file as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondents to forth with pass orders and it is further prayed that this Hon'ble Court may be pleased to direct the respondents herein to afford protection to the land in Survey Nos.101/A3, 101/A4, 101/A5, 101/A6 extent 3.98 acres situated in Kotta Madhavavaram Vontimitta Mandal, Cuddapah from encroachments pending the writ petition and to pass such other or further orders

Counsel for the Petitioner: SMT.W.V.S.RAJESWARI

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

It is stated in the affidavit filed in support of the writ petition that the Zilla Parishad High School is situated in Survey Nos. 101/A3 to 101/A6 admeasuring 4.98 cents and that school building was constructed in one acre of land and the remaining land is vacant land around the school building. That the District Collector by proceedings dated
31-8-1998 passed orders to submit alienation proposals to extent of Ac.1-00 for Z.P.High School duly entering the remaining land of Ac.3-98 cents in the above survey numbers of the Vontimitta village. The said proceedings of the District Collector were challenged before this Court by one A.Yanadiah in W.P.31529 of 1998. The said writ petition was disposed of directing the petitioner therein to participate in the de-novo enquiry before the District Collector. The grievance of the petitioner herein is that the District Collector has conducted de-novo enquiry on
3-12-2002 and till date has not passed any orders and under the guise of the pendency of the enquiry, some anti social elements are encroaching upon the subject land. Hence, the present writ petition is filed questioning the action of the District Collector in not passing appropriate orders in the de-novo enquiry. It is also stated that the petitioner has made several representations, the latest being representation made on 29-11-2004 and that no action is taken thereon.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition at the admission stage.

Since, the de-novo enquiry and the representation of the petitioner dated 29-11-2004 are pending before the Second respondent , without going into the merits of the matter, I deem it appropriate to dispose of the writ petition directing the second respondent to complete the de-novo enquiry contemplated by him with regard to the

subject land and pass appropriate orders in accordance with law, expeditiously, preferably within a period of three months from the date of receipt of copy of this order. Till such time, the third respondent/Mandal Revenue Officer is directed to take necessary steps to prevent the encroachments, if any and to protect the subject lands.

Accordingly, the writ petition is disposed of at the admission stage.

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N.V.RAMANA,J

20-12-2004

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.. The Principal Secretary, State of Andhra Pradesh, Revenue,

Secretariat Building, Hyderabad.
2.. The District Collector, Cuddapah District.
3.. The Mandal Revenue Officer, Kotta Madhavavaram,
Vonti Mitta Mandal, Cuddapah.
4.. The Revenue Divisional Officer, Rajampet, Cuddapah.

5..2CCs to G.P. for Revenue, High Court of A.P. buildings, Hyd (OUT)

6.2CD copies

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